

Committee of Thirteen Report

May 8, 2007

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, May 8, 2007 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

10 JPs Present: Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Summers, Wolf, Wozniak

3 Absent: Brown, Stephenson, Winscott

Others Present: County Clerk Mary Lou Slinkard, Sheriff Keith Ferguson, County Attorney Robin Green, Captain Hunter Petray, Richard McComas, Travis Harp, Dennis Cottrell

Media: Jennifer Turner – Daily Record, Scarlet Simms – Morning News, Ross Mulligan – KURM

Chair Tim Summers called the meeting to order.

PUBLIC COMMENTS:

Jerry Sheridan asked the Committee to approve Agenda Items #3, #4, and #5 concerning the Northeast Benton County Emergency Medical Service, and forward them to the Quorum Court for consideration. He said due to the increase in the number of runs the ambulance service is making, they are asking for an increase in the service fee, and the voters in the district will have to approve the increase.

Don Day stated that he hopes the Committee will consider allowing public comments following each agenda item, because it does not do much good for the citizens to try to guess what their comments should be about before the item is discussed, or to make comments at the end of a meeting after a vote has been taken.

JP Wolf made motion to move Item #7 to the top of the agenda to allow representatives of the Avoca Fire Department to leave to attend another meeting, seconded by JP Hobbs. Motion passed by unanimous show of hands vote.

NEW BUSINESS:

1. Discussion: Avoca Volunteer Fire Department

Wendy Shumate, President of the Board of Directors of the Avoca Volunteer Fire Department, stated that they are requesting that the membership dues be placed on the property tax statements, in order to help with budgeting. She said that they will hold an election within their district which will be paid for by the Avoca Fire Department. JP Glass said that he will be sponsoring the two ordinances, and the process will be just like several that have recently come before the court. Captain Tony Miltich of the Avoca Volunteer Fire Department stated that the legal description of the boundaries has been turned into the Department of Emergency Management to be processed.

JP Wolf made motion to forward the request to the May 24, 2007 Quorum Court meeting, seconded by JP Glass. Wendy Shumate stated that the only difference in this Fire District and others is that the town of Avoca is contained within the district, and that Mayor O'Dell has been very supportive of the Volunteer Fire Department. Tony Miltich stated that they are researching the legalities at this time, and that the NEBCO Volunteer Fire Department has the same issue because the town of Gateway is contained within it. He said at this point, they are asking for the ordinance to be passed for 80% of their district, and they are pursuing other options to deal with the remaining 20%. Motion passed by unanimous show of hands vote.

2. "Gangs 101" – Sgt. Kelley Craddock, Rogers Police Department

Sgt. Kelley Craddock of the Rogers Police Department presented an informational program concerning the influx of gangs into the Benton County area. Sgt. Craddock responded to questions following the program concerning ages of gang members, influences on children, and how they are training public school officials to spot signs of gang influence. Sheriff Keith Ferguson noted that Benton County Deputies have participated in several training programs. Sgt. Craddock concluded by saying that Benton County is in a very young phase of this problem, but that if they do not act quickly and come down very hard on it, they will be dealing with an entire generation who has been raised in the gang culture.

3. Referendum Ordinance Request – Increasing the Service Fee for Northeast Benton County Emergency Medical Service District

JP Glass stated that he will be sponsoring Agenda Items #3, #4, and #5. He said that an ordinance was passed in 1985 that set the service fee for the Northeast Benton County Emergency Medical Service District at \$15.00. He said that same rate is still in effect, and the ordinances they are looking at will increase the service fee, amend the Code of Ordinances of Benton County, and the Resolution will refer the question of the increase to the voters within the district.

He said that the service fee was originally placed on Personal Property taxes, which resulted in the loss of some fees from people who have second homes in the district because they do not pay personal property taxes here. He said the amount of money the district has been able to collect has been shrinking in relation to the growing costs, and they have been asking for voluntary donations to supplement their budget. He said the documents they are looking at tonight will ask the voters to approve an increase to \$40.000 and to move the statement from the Personal Property tax bill to the Real Estate tax bill.

JP Glass made motion to approve the referendum ordinance request and forward it to the May 24, 2007 Quorum Court agenda, seconded by JP Wolf.

County Clerk Mary Lou Slinkard stated that Arkansas law requires any fee increase to be referred to the voters, so that is why they have a referendum ordinance. She said that the actual referral will be made in the form of a Resolution, which will contain the ballot title. She said the other ordinance will change the wording in some of the sections of the Code of Ordinances regarding some of the processes involving the Collector and Assessor. County Attorney Robin Green stated that she has reviewed all of the documents. JP Wozniak asked if the EMSD would be paying for the election. JP Glass stated that they would.

JP Glass asked if any analysis has been done on how much of the shortage will be made up by making the requested changes. Jeff Mason, Chairman of the Board of Directors of the Northeast

Benton County EMSO, stated that he does not have that information with him, but he can provide it. Motion passed by unanimous show of hands vote.

4. Ordinance Request – Amending Certain Sections of the Code of Ordinances of Benton County Regarding the Northeast Benton County Emergency Medical Service District

JP Glass made motion to approve the ordinance request and forward it to the May 24, 2007 Quorum Court agenda, seconded by JP Wolf. Motion passed by unanimous show of hands vote.

5. Resolution Request – Referring the Question to Increase the Service Fee Within the Northeast Benton County Emergency Medical Service District

JP Glass made motion to approve the resolution request and forward it to the May 24, 2007 Quorum Court agenda, seconded by JP Hill. County Clerk Mary Lou Slinkard stated that they will need to develop an election calendar allowing at least 90 days between the passage of the Resolution and the election date, and insert that date into the Resolution before it is passed. JP Summers asked if the ordinances will require three separate readings. County Clerk Mary Lou Slinkard stated that they will. Motion passed by unanimous show of hands vote.

6. 2007 Budget Adjustments – Comptroller Richard McComas

Comptroller Richard McComas stated that two adjustments will need to be made to the 2007 Budget at the end of the year. JP Wolf made motion to approve the adjustments and include them in the 2007 Budget Adjustment Ordinance, seconded by JP Moore. Richard McComas stated that the Arkansas Department of Emergency Management has awarded a Weapons of Mass Destruction grant to the Benton County D.E.M. to conduct an emergency preparedness exercise, and that money will need to be appropriated. He said the second adjustment concerns some rent and utility expenses which were previously charged to several different accounts that need to be moved to County General. Motion passed by unanimous show of hands vote.

7. Discussion: Committee of 13 Agenda Procedures

JP Summers stated that he wanted to emphasize that the Committee of 13 meeting is meant to be a working committee meeting, and they may occasionally deal with subjects that they do not get information on ahead of time. He said the current procedure has evolved over several years. County Clerk Mary Lou Slinkard stated that the meeting time is set by ordinance, which the Quorum Court can change if they wish. She said the guidelines provide that the committee chair places items on the agenda, or any Justice of the Peace can bring up an item or idea for discussion at a committee meeting. She added that the deadline for agenda items was set at noon on Monday preceding the Committee of 13 meeting on Tuesday, to give the County Clerk's office time to prepare the meeting materials. She said that any of that can be changed if the Quorum Court so desires.

JP Summers said that since they meet once a month, if something is put off because it misses the Monday deadline; they are looking at a delay of a whole month. He encouraged the committee to give it a couple more months under the current procedure and get accustomed to how it works, and then if they still want to make changes they can discuss it. He said this is meant to be an informal, working meeting, and they will have plenty of time to review and get their questions answered before they vote on an issue at a Quorum Court meeting.

JP Wolf reminded the committee that if they forward an item to the Quorum Court, it does not mean that they are locked into voting for it. They are only sending it to the Quorum Court for

consideration. JP Moore stated that he favors the present procedure. He said in some instances, the Administration or Elected Official responsible for the proposed agenda items should make sure they have a sponsoring JP lined up.

JP Summers stated that since this should be a working meeting, he does not want to have any more agenda items that do not have to do with duties of the Quorum Court, and he erred in putting the “Gangs 101” presentation on the Agenda. He said the program should have been a forum, and he apologized for having to ask Sgt. Craddock to shorten it.

JP Hubbard stated that getting the materials on Monday evening for a Tuesday meeting does not give him enough time to prepare for meaningful discussion. JP Hubbard stated that at the last meeting they had a hurried vote for a grant resolution because of a deadline. He said he was not ready to make a motion, but he would favor moving the deadline back to Thursday or Friday before the Committee of Thirteen meeting. He added that even getting the materials electronically on Monday evening still does not give him enough time to prepare. JP Harrison stated most of the items have been to a committee, and can be tabled and sent back to a committee if enough JPs feel it is not ready to move forward, and if they do not feel they have enough information they should vote accordingly, and move to table it or vote against it.

Comptroller Richard McComas stated that if Finance meets on the first Tuesday, then a Thursday deadline would only give the County Clerk’s office one day to prepare the drafts to send to Committee of 13. He noted that they are now mailing Finance Committee meeting packets the day after the meeting, and the majority of items that come before the Committee of 13 are forwarded from Finance. He asked the committee to give that new practice a chance to work before they make any changes.

JP Glass stated that he likes the way the committee works, but if something totally foreign is introduced, they should not be expected to vote on it without adequate time for healthy debate.

JP Glass stated that the Clean Up Ordinances should be referred to as something else. Richard McComas explained why they do clean up ordinances, and said they usually refer to them as Budget Adjustment Ordinances when they go to Quorum Court for approval.

JP Wolf stated that the frustration at the last Committee of 13 meeting was that there were three grants with no information available, and no one was there to answer questions because the Grants Administrator was in Little Rock working on a grant. She said that was not a typical situation. JP Hubbard stated that in addition, they all had to be voted on immediately to get to the next Quorum Court meeting, and it seemed like a nice coincidence that they all had to be sent on in a hurry, and grants are usually available for a while. JP Wozniak stated that some are, but some are not, and it is not unusual for a grant to be publicized with a deadline of less than 30 days.

JP Hobbs stated that she agreed that the meeting should be a working meeting, so they can present new ideas. JP Summers stated that JPs are entitled to bring anything up at any meeting, even a Quorum Court meeting if they can get the agenda amended.

OTHER BUSINESS:

1. Equalization Board Appointments – County Clerk Mary Lou Slinkard

JP Summers stated that three resumes have been submitted for two Quorum Court appointed positions open on the Equalization Board, and they need to decide how they want to proceed. County Clerk Mary Lou Slinkard stated that this is an unusual situation, because many times in the past it has been difficult to find anyone willing to serve. JP Moore suggested that the three applicants appear at the next Quorum Court meeting to give a short explanation of why they

want to serve in the position, and perhaps have a question and answer period. JP Summers asked if that was agreeable to the committee. JPs Glass and Hubbard spoke in favor of the idea. There was no dissent. County Clerk Mary Lou Slinkard stated that there was a resignation from one position, and the member whose term expired declined reappointment. JP Wolf asked that the applicants be made aware that they are looking for more detailed information than what is provided on the resumes. County Clerk Mary Lou Slinkard stated that she will notify the applicants that it will be an interview.

2. Resolution Requesting Employers Doing Business With Benton County to Provide Affidavit Stating All Employees Are Legal Residents – JP Burton Schindler

JP Schindler distributed copies of a proposed Resolution stating that Benton County will not spend taxpayer money supporting an illegal activity, and requesting that any business providing goods or services to Benton County provide an affidavit stating that all of its employees are legal residents. He said that the Resolution was tabled at the April meeting, and he will propose that it be tabled again until the June Committee of Thirteen meeting so that a Resident Agent of the Immigrations and Customs Enforcement Division of the Homeland Security Department who was invited by County Judge Gary Black can come and speak on the issue. He said that this is an opportunity for Benton County to lead the State and perhaps the entire nation in a massively intelligent move to take action on a problem. He said the documents he distributed include the revised Resolution, his opinion on why it should be adopted, and some comments by President Theodore Roosevelt and President George Bush on problems which exist due to immigration. He said that illegal immigrants employed by employers are causing massive problems to this country, and employers who stay within the laws are being cheated. He said that the illegal employees are also being cheated, because sometimes they have no benefits, no rights, and often do not receive the wages they are due. He said that adopting the Resolution will give Benton County the opportunity to protect taxpayer money, because it should not be spent on an illegal activity.

JP Schindler made motion to table the proposed Resolution to the June 12, 2007 Committee of Thirteen meeting, seconded by JP Glass.

JP Summers stated that before the June meeting he would like to know the Resolution's impact on Benton County as far as creating more bureaucracy, its impact on businesses in Benton County, and if it is an enforceable document. JP Schindler stated that it will apply solely and totally to the officials of Benton County, and we would be enforcing ourselves, and if a business chooses not to provide the affidavit, Benton County will simply take its business elsewhere. JP Summers asked if it would require the hiring of an additional person to handle the workload involved. JP Schindler stated that he did not think it would. He said that in regard to the second question, it will be helpful to businesses to no longer have to compete against other businesses which are paying low wages and no benefits.

County Attorney Robin Green stated that there is pending litigation in other jurisdictions on this very topic, and she does not believe those cases have as yet been resolved. JP Schindler stated that if the County Attorney is referring to the cases with which he is familiar, each of those is an ordinance which is prohibiting something, such as some cities and counties which are prohibiting landlords from renting to illegal aliens. He said this is a Resolution with nothing to enforce, and there are no penalties involved. He said the only penalty is that if they do not provide the affidavit, you cannot do business with Benton County.

Comptroller Richard McComas asked if the County will have to send something to all of the vendors notifying them of the affidavit requirement, because there are almost 8,000 vendors that do business with Benton County. JP Schindler stated that he recalled Assistant County Administrator Travis Harp saying that it could be put on the website and included in the bid packages. Richard McComas stated that the county is only required to get bids if the cost will be over \$15,000. JP Schindler stated that they have a month to get answers to all of these questions. JP Summers stated that he spoke with a former personnel supervisor at one of the local chicken processing plants, and the gentleman described how the company would follow all of the regulations concerning the required documentation, only to be notified later on by the Social Security Administration that more than one person was using the same Social Security number. JP Schindler stated that the Enforcement Agent will hopefully be able to answer some of these questions next month. Motion passed by unanimous show of hands vote. JP Glass made motion to recognize Don Day. There was no objection from the committee. Don Day stated that citizens should be allowed to speak after an item is discussed, and not have to guess from the agenda what the item is about. He added that when an item is forwarded from the Committee of 13 to the Quorum Court, it is usually a done deal, so he would never agree that an item could be thoroughly discussed after it reaches the Quorum Court. JP Hobbs stated that she would like to consider the suggestion put forth by Mr. Day, and have the chair of the committee recognize citizens who have input on a particular agenda item after it has been discussed by the committee. JP Glass stated that he agreed to the extent that if a new item of business that has not been published is brought up, there could be a time allotted for public comment on that item, since this is a working session.

ANNOUNCEMENTS:

JP Summers stated that JPs Brown and Winscott are absent due to illness.

JP Summers announced that the Quorum Court will meet on May 24, 2007 at 5:00 p.m.

JP Moore announced that the Long Range Planning/Properties and Equipment Committee will meet on Tuesday, May 22, 2007 at 5:30 p.m.

JP Harrison announced that the Ministerial Alliance will be sponsoring its annual Prayer Breakfast on May 9, 2007 at 8:00 a.m.

After motion and second the meeting was adjourned at 7:15 p.m.